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BOOK REVIEWS

CASES ON CONSTITUTIONAL LAW. By JAMES PARKER HALL. St. Paul: West Publishing Co. 1913. pp. xxxii, 1452.

A new case-book on constitutional law has been for some time a desideratum. The great work of Professor Thayer has, in the twenty years since its publication, lost much of its value as a practical case-book for actual class use. The relative importance of constitutional subjects has greatly changed in that time, so that the emphasis has to be thrown in different directions. Whether Dean Hall's volume is going to meet the wants of the law schools remains to be determined by the result of experiment, for the general adaptibility of a legal case-book can only be ascertained by trial in the class-room. Dean Hall's work seems, however, upon rather thorough examination, to promise highly satisfactory results.

In the first place it is well arranged. It gives as preliminary topics, distributed in three chapters, the making and changing of written constitutions, the function of the judiciary in enforcing constitutions and the separation and delegation of powers of government. The treatment of the subject is then divided into two parts, one entitled "Fundamental Rights", and the other "The Federal Government". Under the former are cases on political rights, personal and religious liberty, protection to persons accused of crime, interstate privileges and immunities of citizens, operation of the fourteenth amendment in securing civil rights, and due process and equal protection of law. Under the last mentioned topic there are three chapters, dealing with procedure, police power, and taxation, as related or affected by the principles of due process and equal protection.

Under the part devoted to "The Federal Government", there are chapters on the general scope of federal powers, foreign relations, Indians and aliens, territories, dependencies and new states, federal taxation, regulation of commerce, intergovernmental relations, and the jurisdiction of federal courts.

In the second place, while the collection is absolutely up to date, it has not overlooked the historical aspect of American constitutional law. It gives the classical and leading opinions that have issued from the United States Supreme Court during the last century and a quarter. But these are followed out with the significant later cases down to the very latest decisions. It is these modern adjudications and the good judgment that has been used in their selection, that give the great value to the collection as a whole.

In the third place, we regard the notes as of great value. Notes in case-books are, generally speaking, of questionable value. But the notes in Dean Hall's Cases on Constitutional Law seem

to us, not only free from objection, but admirable in their character, and exceedingly helpful to both instructor and student.

The only criticism that we would make, or regret that we would express, is explained doubtless by the exigency of having to comprise the whole subject matter within one volume, though that be a rather thick one. The regret is that the facts of the cases have had to be abridged, and that the decisions, in some instances, have had to be abbreviated to so large an extent. But the obvious merits of the work outweigh any defect of this character, if indeed, it be a defect.

COMMENTARIES ON THE LAW OF EVIDENCE IN CIVIL CASES. By BURR W. JONES. With the law applicable to each section of the original text, rewritten, enlarged and brought with authorities up to the present date by L. Horwitz. *The Blue Book of Evidence*. San Francisco: Bancroft-Whitney Company. 1913, 1914. Vol. 1, pp. xxxvi, 1030; vol. 2, pp. x, 1071; vol. 3, pp. x, 1036; vol. 4, pp. ix, 976; vol. 5, pp. vi, 1157.

Greenleaf's classic work on evidence with its succession of editors almost monopolized the field for over half a century. With the best of annotators, however, it became inadequate, and an insistent demand arose from the profession for a modern treatise. This demand has been well supplied in the past ten years. Elliott, then Wigmore, more recently Chamberlayne, and now *The Blue Book of Evidence*. Several years before Elliott appeared, Professor Burr W. Jones had published his well-known book in three small volumes, a book written from the lawyer's point of view, and so practically helpful that it was not rendered useless by the larger works, but was welcomed in its one-volume second edition in 1908. Where ten years ago there was an unfulfilled want we are now embarrassed by the wealth of monumental treatises, to say nothing of encyclopedias and monographs. The hope arises for a treatise that would "blend, transcend them all"—a treatise that would incorporate the results of Thayer's historical investigations and accurate discriminations—a treatise that would utilize Professor Wigmore's research, masterly analysis and wonderfully convenient system of citations and cross-references, without the unfamiliar terminology that makes it necessary to study the plan of the book before it can be used readily for reference—a treatise that would work out Chamberlayne's general principles without the bewildering complexity of detail. Of course any such hope is idle; the thing cannot be done. It is impossible even to maintain the peculiar excellence of a one-volume work in five. Five volumes cannot be carried in the coat pocket.

There is no attempt to make any original contribution to the law of evidence by working out the principles that explain and rationalize apparently conflicting decisions. No new trails are blazed, though some old ones are made easier to follow. The plan of the new work consists in taking each section of the